

**Introduced by Senator Monning**  
(Coauthor: Assembly Member Mark Stone)

February 24, 2015

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An act to add Section 94874.3 to the Education Code, and to amend Section 15250 of the Vehicle Code, relating to commercial vehicle driver education.

LEGISLATIVE COUNSEL'S DIGEST

SB 344, as introduced, Monning. Commercial driver's license: education.

Existing law prohibits the Department of Motor Vehicles from issuing a commercial driver's license to any person to operate a commercial motor vehicle unless the person has passed a written and driving test for the operation of a commercial motor vehicle that complies with the minimum standards established by the federal Commercial Motor Vehicle Safety Act of 1986 and specified federal regulations, and has satisfied all other requirements of that act as well as any other requirements imposed by state law.

This bill, commencing January 1, 2017, would also require a person to successfully complete a course of instruction from a commercial driver training institution with an approved training program that has been certified by the department before he or she is issued a commercial driver's license, except as specified. The bill would require the program to include, at a minimum, standards necessary to ensure a driver is proficient in safely operating a commercial vehicle.

Existing law, the California Private Postsecondary Education Act of 2009, provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education in the

Department of Consumer Affairs. The act exempts an institution from its provisions, if any of a list of specific criteria are met.

The bill, commencing January 1, 2017, would remove the exemption from its provisions for an institution that is certified by the Department of Motor Vehicles to offer a course of instruction to prepare students to obtain a commercial driver's license, thereby making the act applicable to the institution.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 94874.3 is added to the Education Code,  
2 to read:

3 94874.3. Commencing January 1, 2017, an institution that  
4 offers a course of instruction to prepare students to obtain a  
5 commercial driver's license that is certified by the Department of  
6 Motor Vehicles pursuant to Section 15250 of the Vehicle Code,  
7 may not claim an exemption from this chapter.

8 SEC. 2. Section 15250 of the Vehicle Code is amended to read:

9 15250. (a) (1) A person shall not operate a commercial motor  
10 vehicle unless that person has in his or her immediate possession  
11 a valid commercial driver's license of the appropriate class.

12 (2) A person shall not operate a commercial motor vehicle while  
13 transporting hazardous materials unless that person has in his or  
14 her possession a valid commercial driver's license with a hazardous  
15 materials endorsement. An instruction permit does not authorize  
16 the operation of a vehicle transporting hazardous materials.

17 (b) (1) Before an application for an original or renewal of a  
18 commercial driver's license with a hazardous materials  
19 endorsement is submitted to the United States Transportation  
20 Security Administration for the processing of a security threat  
21 assessment, as required under Part 1572 of Title 49 of the Code  
22 of Federal Regulations, the department shall complete a check of  
23 the applicant's driving record to ensure that the person is not  
24 subject to a disqualification under Part 383.51 of Title 49 of the  
25 Code of Federal Regulations.

26 (2) (A) A person shall not be issued a commercial driver's  
27 license until he or she has ~~passed~~ *satisfied all of the following*  
28 *requirements:*

1     (i) Commencing January 1, 2017, successful completion of a  
2     course of instruction from a commercial motor vehicle driver  
3     training institution that has been certified by the department, except  
4     as provided in subclauses (I) and (II). The department shall not  
5     certify a commercial motor vehicle driver training institution until  
6     the institution has submitted an approved training program that  
7     meets minimum standards set by the department. The program  
8     shall include, at a minimum, standards necessary to ensure a driver  
9     is proficient in safely operating a commercial vehicle. The  
10    department shall, as necessary, update the required standards to  
11    comply with the guidance or requirements issued by the federal  
12    Motor Carrier Safety Administration.

13    The following persons shall not be required to satisfy the  
14    requirement described in clause (i):

15    (I) A commercial motor vehicle driver with military motor  
16    vehicle experience who is currently licensed with the United States  
17    Armed Forces and who meets the waiver requirements in  
18    subparagraph (B).

19    (II) A commercial motor vehicle driver who presents a valid  
20    certificate of driving skill from an approved employer-testing  
21    program.

22    (ii) Successful completion of a written and driving test for the  
23    operation of a commercial motor vehicle that complies with the  
24    minimum federal standards established by the federal Commercial  
25    Motor Vehicle Safety Act of 1986 (Public Law 99-570) and Part  
26    383 of Title 49 of the Code of Federal Regulations, and has  
27    satisfied Regulations.

28    (iii) Satisfaction of all other requirements of that act as well as  
29    any other requirements imposed by this code.

30    (B) The driving skills test as specified in Section 383.113 of  
31    Title 49 of the Code of Federal Regulations may be waived for a  
32    commercial motor vehicle driver with military commercial motor  
33    vehicle experience who is currently licensed with the United States  
34    Armed Forces at the time of his or her application for a commercial  
35    driver's license, and whose driving record in combination with his  
36    or her driving experience meets, at a minimum, the conditions  
37    required by Section 383.77(a) and (b) of Title 49 of the Code of  
38    Federal Regulations.

39    (c) The tests shall be prescribed and conducted by or under the  
40    direction of the department. The department may allow a

1 third-party tester to administer the driving test part of the  
2 examination required under this section and Section 15275 if all  
3 of the following conditions are met:

4 (1) The tests given by the third party are the same as those that  
5 would otherwise be given by the department.

6 (2) The third party has an agreement with the department that  
7 includes, but is not limited to, the following provisions:

8 (A) Authorization for the United States Secretary of  
9 Transportation, or his or her representative, and the department,  
10 or its representative, to conduct random examinations, inspections,  
11 and audits without prior notice.

12 (B) Permission for the department, or its representative, to  
13 conduct onsite inspections at least annually.

14 (C) A requirement that all third-party testers meet the same  
15 qualification and training standards as the department's examiners,  
16 to the extent necessary to conduct the driving skill tests in  
17 compliance with the requirements of Part 383 of Title 49 of the  
18 Code of Federal Regulations.

19 (D) The department may cancel, suspend, or revoke the  
20 agreement with a third-party tester if the third-party tester fails to  
21 comply with the standards for the commercial driver's license  
22 testing program, or with any other term of the third-party  
23 agreement, upon 15 days' prior written notice of the action to  
24 cancel, suspend, or revoke the agreement by the department to the  
25 third party. Any action to appeal or review any order of the  
26 department canceling, suspending, or revoking a third-party testing  
27 agreement shall be brought in a court of competent jurisdiction  
28 under Section 1085 of the Code of Civil Procedure, or as otherwise  
29 permitted by the laws of this state. The action shall be commenced  
30 within 90 days from the effective date of the order.

31 (E) Any third-party tester whose agreement has been canceled  
32 pursuant to subparagraph (D) may immediately apply for a  
33 third-party testing agreement.

34 (F) A suspension of a third-party testing agreement pursuant to  
35 subparagraph (D) shall be for a term of less than 12 months as  
36 determined by the department. After the period of suspension, the  
37 agreement shall be reinstated upon request of the third-party tester.

38 (G) A revocation of a third-party testing agreement pursuant to  
39 subparagraph (D) shall be for a term of not less than one year. A  
40 third-party tester may apply for a new third-party testing agreement

1 after the period of revocation and upon submission of proof of  
2 correction of the circumstances causing the revocation.

3 (H) Authorization for the department to charge the third-party  
4 tester a fee, as determined by the department, that is sufficient to  
5 defray the actual costs incurred by the department for administering  
6 and evaluating the third-party testing program, and for carrying  
7 out any other activities deemed necessary by the department to  
8 ensure sufficient training for the drivers participating in the  
9 program.

10 (3) Except as provided in Section 15250.3, the tests given by  
11 the third party shall not be accepted in lieu of tests prescribed and  
12 conducted by the department for applicants for a passenger vehicle  
13 endorsement specified in paragraph (2) of subdivision (a) of  
14 Section 15278, if the applicant operates or will operate a tour bus.

15 (d) Commercial driver's license applicants who take and pass  
16 driving tests administered by a third party shall provide the  
17 department with certificates of driving skill satisfactory to the  
18 department that the applicant has successfully passed the driving  
19 tests administered by the third party.

20 (e) If a driving test is administered to a commercial driver's  
21 license applicant who is to be licensed in another state pursuant  
22 to Section 383.79 of Subpart E of Part 383 of Title 49 of the Code  
23 of Federal Regulations, the department may impose a fee on the  
24 applicant that does not exceed the reasonable cost of conducting  
25 the tests and reporting the results to the driver's state of record.

26 (f) Implementation dates for the issuance of a commercial  
27 driver's license pursuant to this chapter may be established by the  
28 department as it determines is necessary to accomplish an orderly  
29 commercial driver's license program.

30 (g) Active duty members of the United States Armed Forces,  
31 members of the military reserves, members of the National Guard  
32 who are on active duty, including personnel on full-time National  
33 Guard duty, personnel on part-time National Guard training, and  
34 National Guard military technicians (civilians who are required to  
35 wear military uniforms), and active duty personnel of the United  
36 States Coast Guard are exempt from all commercial driver's license  
37 requirements and sanctions, as provided in Section 383.3(c) of  
38 Subpart A of Part 383 of Title 49 of the Code of Federal  
39 Regulations when operating motor vehicles for military purposes.

- 1 This exception shall not apply to United States Armed Forces
- 2 reserve technicians.

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